

5. 2006SP-022U-08

Map 082-09-J, Parcel 001, 002, 003, 008, 010, 400, 402, 404, 406, 408
Subarea 8 (2002)
District 19 - Ludye N. Wallace

A request to change from MUN to SP district property located at VanBuren Street (unnumbered) and 4th Avenue North (unnumbered), between 3rd and 5th Avenues North (2.3 acres), to permit the development of 11,934 square feet of general retail, general office, restaurant, and/or multifamily uses, 28 multifamily units, 28 townhouses, and 4 single family units, requested by Harry Lawrence of Lawrence Brothers, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST- Rezone 2.3 acres from mixed use neighborhood (MUN) to Specific Plan (SP) zoning properties located at Van Buren Street (unnumbered) and 4th Avenue North (unnumbered), between 3rd and 5th Avenues North, to permit the development of 11,934 square feet of general retail, general office, restaurant, and/or multifamily uses, 28 multifamily units, 28 townhouses, and 4 single family units.

Existing Zoning

MUN district - Mixed Use Neighborhood is intended for a low intensity mixture of residential, retail, and office uses.

Proposed Zoning

SP district (preliminary) - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a new base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

NORTH NASHVILLE COMMUNITY PLAN POLICY

Open Space (OS) - OS policy is intended to encompass public, private not-for-profit, and membership-based open space and recreational activities. The OS designation indicates that recreational activity has been secured for an open space use.

Alternate Structure Plan Land Use Policy

Neighborhood Urban (NU) - NU policy is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Germantown Detailed Neighborhood Design Plan

Parks, Reserves and Other Open Space in Potential Open Space - PR is reserved for open space intended for active and passive recreation, as well as buildings that will support such open space.

Alternate Detailed Plan Land Use Policy

Mixed Live/Work - MLW is intended for primarily residential uses, while providing opportunities for small commercial establishments, mostly home-run professional or retail services.

Policy Conflict - While the proposed SP district is not consistent with the Parks, Reserves and Other Open Space in Potential Open Space policy of the Germantown DNDP/North Nashville Community Plan, the SP is consistent with its alternate land use policies, Mixed Live/Work in Neighborhood Urban, if the property is to be privately developed. The proposed uses include retail, office, restaurant, and a range of residential development. While the SP does not propose traditional live/work units, the amount of proposed residential development exceeds by a factor of nearly seven the amount of proposed nonresidential development (by square footage), which is at the core of the Mixed Live/Work policy intent.

Building Heights The Germantown DNDP states that buildings within a Neighborhood Urban Structure Plan policy area should range from 1 to 2 ½ stories in height. The proposed building heights in the SP plan include 2 stories (cottages), 3 stories (townhome units and buildings at the corners of Van Buren Street and 4th Avenue North), 4 stories (mixed use building at the corner of 5th Avenue North and Van Buren) and 5 stories (mixed use building at the corner of 3rd Avenue North and Van Buren). Staff recommends approval of the SP despite the minor departure from the DNDP for the following reasons:

1. There is a large grade difference between this site, which is situated on a relatively flat area at the bottom of a mild slope that descends from just south of this property (south of Van Buren Street). This mitigates the effect of the 3+ story buildings that are proposed. In addition, the top story is stepped back from the street, maintaining a sheer street wall of 3 stories.
2. The 5-story building at the corner of 3rd Avenue North and Van Buren contains one story that is semi-hidden, below grade, on the fronting street. This has the effect of making the 5-story building appear as a 4-story building at its façade along Van Buren Street.
3. The policy across the street from the proposed 5-story building at the corner of 3rd Avenue North and Van Buren, to the northeast of this intersection, is a MxU in Neighborhood Urban policy area that has been designated as suitable for mid-rise buildings, between 4-6 stories in height. Staff recommends that the Commission consider this SP's close proximity to the higher height standard as further justification for the 5-story building as a transition.

Preliminary Plan Details - While the site is currently approved for development as permitted within the existing MUN zone district, the applicants propose the SP to allow an increase in the heights of the mixed-use buildings located at the corners of Van Buren and 3rd, 4th and 5th Avenues North. The proposed SP includes 11,934 square feet of general retail, general office, restaurant, and/or multifamily uses, as well as 28 multifamily units in four mixed use buildings, 28 townhouses, and 4 single family units. As the site is a fairly intense mixed use development, no open space is provided within its boundaries; in spite of this, Morgan Park abuts this property on the north side of the property, and four detached units and 8 townhomes within this development are proposed to front on the park. A landscaping concept plan is also provided, which shows street trees on both the north and southern boundaries of the SP, as well as numerous groupings of shrubs within the development.

Vehicular Access - The site is accessed via two private driveways along Van Buren Street, one between 3rd and 4th Avenues, and one between 4th and 5th Avenues. Staff finds these access points appropriate.

Building Elevations - The plan includes rendered elevations (architectural renderings) for the new buildings to be constructed within the SP development (the buildings are as discussed in the "Building Heights" section above). Staff has reviewed the elevations and recommends approval of them.

Landscaping Plan - As mentioned above, a concept plan for the proposed landscaping to be installed is included with this preliminary SP, and it includes street trees and various shrubs throughout the development; a final, more detailed landscaping plan is a requirement at the final SP stage (including Tree Preservation details).

Pedestrian access -The applicant has agreed to provide a sidewalk along the frontage of this property of Van Buren Street, as well as along both east and west sides of 4th Avenue North, the east side of 3rd Avenue North, and the west side of 5th Avenue north as a part of this SP. There are some internal sidewalks proposed within this SP. This property is located to the immediate south of Morgan Park, and includes several townhomes oriented towards the park. Staff recommends that prior to approval of the final SP, the applicant should work with the Planning and Metro Parks Departments to coordinate the construction of a sidewalk or alternative pedestrian path along the entire northern side of the SP, abutting the park boundary. If Metro Parks does not construct a sidewalk in this location prior to approval of the final SP plan, staff recommends that the applicant construct such a pedestrian facility. A Metro standard (or modified design) sidewalk is a reasonable element to include within this SP, given the urban context, and the proposed mixture of retail, office, and residential uses, as well as the abutting recreational use.

Parking A total of 121 parking spaces have been proposed with this development, which can be stratified as follows:

- On the west side of the development between 4th and 5th Avenues North, 39 onsite parking spaces are included, which consist of 23 surface spaces and 16 garage spaces (for townhomes).
- 16 on-street spaces along the north side of Van Buren Street
- 4 on-street spaces on the west side of 3rd Avenue North
- 8 on-street spaces along both sides of 4th Avenue North
- On the east side of the development between 4th and 3rd Avenues North, 50 onsite parking spaces are included, which consist of 12 surface spaces and 24 garage spaces (for townhomes)
- 4 on-street spaces on the east side of 5th Avenue North
- 10 surface spaces, to be leased in a nearby lot on the east side of 3rd Avenue North.

The applicant states that all on street parking spaces proposed to fulfill the parking needs for this development have been previously approved by the Traffic and Parking Commission and Public Works. As a condition of this SP approval, the applicant must provide the written proof of MPW approval of the on street parking spaces, including the minimum number of 32 approved, on-street spaces. Staff notes that the use of on street parking is consistent with the Germantown DNDP, which states that “traffic-calming measures are recommended at 4th Avenue North & Hume, at 4th Avenue North & Van Buren St., and between these intersections to reduce traffic hazards and increase pedestrian-friendliness of street through Morgan Park.” On-street parking is a traffic-calming measure.

Of the 22 multifamily units (10 being townhomes) on the west side of this development, 12 units will be served primarily by the surface parking spaces to the rear of the mixed use buildings. The four single family units will also be served by the surface parking spaces. Of the 34 multifamily units (18 being townhomes) on the east side of this development, 16 units will be served primarily by the surface parking spaces to the rear of the mixed use buildings. On both sides of the development, onstreet parking will normally provide backup to the lots to the rear, which are also intended to serve the retail/office uses in the mixed use buildings. Given the potential for parking conflicts at peak hours, however, Planning staff has recommended to the applicant to create parking restrictions within the surface lots, via signage/metering, to ensure that SP residents have access to nearby parking. Prior to, or in conjunction with the final SP approval, this plan must be approved by the Planning Department.

Prior to final SP plan approval, a written parking agreement must be signed by the owner of the adjacent lot, be recorded with the Register of Deeds Office, and be referenced on the final SP plans.

RECENT REZONINGS - None.

PUBLIC WORKS RECOMMENDATION

1. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Omit small mid-block push outs in on-street parking.

3. Align handicap ramps with sidewalk.

STORMWATER RECOMMENDATION - Preliminary SP approved. Revised Construction Drawings must be approved prior to final SP approval.

METRO SCHOOL BOARD REPORT

Projected student generation 5 **Elementary** 3 **Middle** 3 **High**

Schools Over/Under Capacity - Students would attend Brookmeade Elementary School, Hill Middle School, or Hillwood High School. All schools have been identified as having capacity by the Metro School Board. This information is based upon data from the school board last updated February 2006.

CONDITIONS

1. Prior to final SP approval, the applicant must coordinate with the Metro Parks and Planning Departments on the design and construction of a sidewalk facility along the northern edge of this property, next to Morgan Park. If Metro Parks fails to commit to construct this sidewalk/pedestrian facility prior to final SP approval, the applicant must revise the SP plans to include a standard Metro sidewalk in this location.
2. The applicant must provide written proof that the on-street spaces as proposed to fulfill this SP development's parking needs have been approved by the Traffic and Parking Commission and/or the Department of Public Works; this written documentation shall explicitly reference the minimum number of 32 approved, on-street parking spaces, with any conditions of approval.
3. Prior to, or in conjunction with, the final SP approval, the parking restrictions must be approved by the Planning Department, to ensure the availability of surface parking for residents of the SP during peak hours.
4. Prior to final SP, a written parking agreement must be signed by the owner of the adjacent lot on the east side of 3rd Avenue, be recorded with the Register of Deeds Office, and be referenced explicitly on the final SP plans (instrument number).
5. All off-site traffic conditions, as recommended by Public Works, must be bonded or completed prior to the recordation of the final plat.
6. All Stormwater conditions as indicated above must be adequately addressed prior to, or with the final SP approval.
7. Prior to final SP approval, the number of bedroom units in each unit type must be labeled on the plans.
8. As a part of the final SP plan approval, a separate, detailed landscaping plan must be provided.
9. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.
10. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUN zoning district, which must be shown on the plan.

Mr. Pereira presented and stated that staff is recommending approval with conditions.

Ms. Kate Garvey, 1406 4th Avenue North, expressed issues regarding the proposal.

Mr. Skip Lawrence, 1402 4th Avenue North, spoke in favor of the proposal.

Mr. Ponder questioned the current construction underway on the parcel and its relation to the project. He then requested additional information regarding the traffic and parking recommendations included in the proposal.

Mr. Tyler requested additional information regarding the traffic issues mentioned by the resident. He expressed issues with the proposed available parking included in the proposal as well as its density. He stated the plan was a good plan, however, he was not in favor of approving the additional stories being requested.

Ms. Nielson stated that the grade change on the parcel would justify the request.

Mr. Small clarified past actions the Commission had taken on this parcel and then acknowledged the applicant's current request. He then requested an explanation on the number of additional units being requested and whether they were strictly residential or if it entailed additional retail units.

Mr. Bernhardt explained that additional units being requested were only residential.

Mr. Small then asked staff if the original plan on this parcel would allow the same number of units being requested under the proposed SP zoning.

Mr. Bernhardt stated that he did not think the developer maximized the number of units in the original plan.

Mr. Pereira explained the MUN zoning for this parcel in relation to the SP zoning being requested.

Mr. Loring spoke in favor of the project and stated it would enhance the area. He moved for its approval.

Mr. Loring moved and Ms. Nielson seconded the motion to approve with conditions Zone Change 2006SP-022U-08. **(6-1) No Vote – Tyler**

Resolution No. RS2006-105

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-022U-08 is **APPROVED WITH CONDITIONS (6-1), including that prior to final development plan approval, the plan be reviewed and approved by MDHA and any MDHA conditions of approval be complied with on the final development plan.**

Conditions of Approval:

PUBLIC WORKS RECOMMENDATION

1. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Omit small mid-block push outs in on-street parking.
3. Align handicap ramps with sidewalk.

STORMWATER RECOMMENDATION - Preliminary SP approved. Revised Construction Drawings must be approved prior to final SP approval.

CONDITIONS

1. Prior to final SP approval, the applicant must coordinate with the Metro Parks and Planning Departments on the design and construction of a sidewalk facility along the northern edge of this property, next to Morgan Park. If Metro Parks fails to commit to construct this sidewalk/pedestrian facility prior to final SP approval, the applicant must revise the SP plans to

- include a standard Metro sidewalk in this location.
2. The applicant must provide written proof that the on-street spaces as proposed to fulfill this SP development's parking needs have been approved by the Traffic and Parking Commission and/or the Department of Public Works; this written documentation shall explicitly reference the minimum number of 32 approved, on-street parking spaces, with any conditions of approval.
 3. Prior to, or in conjunction with, the final SP approval, the parking restrictions must be approved by the Planning Department, to ensure the availability of surface parking for residents of the SP during peak hours.
 4. Prior to final SP, a written parking agreement must be signed by the owner of the adjacent lot on the east side of 3rd Avenue, be recorded with the Register of Deeds Office, and be referenced explicitly on the final SP plans (instrument number).
 5. All off-site traffic conditions, as recommended by Public Works, must be bonded or completed prior to the recordation of the final plat.
 6. All Stormwater conditions as indicated above must be adequately addressed prior to, or with the final SP approval.
 7. Prior to final SP approval, the number of bedroom units in each unit type must be labeled on the plans.
 8. As a part of the final SP plan approval, a separate, detailed landscaping plan must be provided.
 9. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.
 10. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUN zoning district, which must be shown on the plan.

The proposed SP site plan is consistent with the North Nashville Community Plans alternate structure Neighborhood Urban (NU) land use policy. NU policy is intended for intensive, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. The request is also consistent with the Germantown Detailed Neighborhood Design Plan's alternate Mixed Live/Work policy that is for a mixture of residential units and nonresidential space."